Notice of Allowability	Application No.	Applicant(s)	
	10/014,093	CHHEDA, ASHVIN	
	Examiner	Art Unit	
	Jay P. Patel	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *12/10/2001*.

2. ☒ The allowed claim(s) is/are *1-30*.

3. ☒ The drawings filed on *10 December 2001* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-30 are allowed over the prior art made of record.

2. The following is an examiner's statement of reasons for allowance:

In regards to claims 1, 18 and 23, the cited references taken individually or in combination fail to particularly disclose **obtaining a first metric, the metric associated with a percentage of the maximum number of user codes being used by the telecommunications system; obtaining a second metric, the second metric associated with a percentage of the maximum amount of power being used by the telecommunications system** and **comparing the first metric** (associated with the maximum number of user codes) **and the second metric** (associated with the maximum amount of power), **the comparison identifying whether the first metric is greater or whether the second metric is greater**. Furthermore, the cited references taken individually of in combination fail to particularly disclose **selecting the second protocol if the first metric is greater and selecting the first protocol to establish the new communication session if the second metric is greater; where the first protocol is more efficient in power use than code use and the second protocol is more efficient in code use than power use**.

It is noted that the closest prior art Dirschedl et. al (US Patent No. 6262994 B1) discloses an arrangement for optimization of data transmission in a bi-directional radio channel. A device at the transmitter varies multiple parameters including transmission power and code rate as a function of an error rate transmitted back from the receiver so

that a predetermined error rate is achieved (see column 1, lines 30-40). When the error rate exceeds a predetermined value, a switch is made at the transmitter side to lower the code rate and use a higher transmission power (see column 1, lines 44-47). Dirschedl further discloses a code rate selector that can select the code rate from a ½ to the optimal code rate of 1 (see the code rate selector in the figure and column 2 lines 50-54) and a transmission power selector that selects between a low, medium and high transmission power (see the transmission power selector in the figure and column 2 lines 55-58). However, it is noted that Dirschedl et. al and the cited references taken individually or in combination, fail to particularly disclose or render obvious the above-mentioned underlined limitations.

Conclusion

3. References not relied upon in the office action but considered pertinent to the art are as follows:

a. US Patent No. 6262994 B1: Arrangement for the optimization of the data transmission via a bi-directional radio channel: Dirschedl et. al

b. US Patent No. 6434380 B1: Dynamic negotiation of resources for user equipment in wireless communications system: Andersson et. al

c. US Patent No. 6317435 B1: Method and apparatus for maximizing the use of available capacity in a communications system: Tiedemann Jr. et. al

d. US Publication 2004/0162081 A1: Method for implementing fast dynamic channel allocation call admission control in radio resource management: Lu

e. US Patent No. 6181738 B1: Reverse link power control using a frame quality metric: Chheda

f. US Patent No. 6829468 B2: Reverse link power control overshoot considering mobile station transmission limitations: Gandhi et. al

g. US Publication No. 2004/0192315 A1: Method for dynamically assigning spreading codes: Li et. al

h. US Publication No. 2004/0120290 A1: Admission control in a wireless communication network: Makhijani et. al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay P. Patel whose telephone number is (571) 272-3086. The examiner can normally be reached on M-F 9:00 am - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jpp 4/21/2005
Jay P. Patel
Assistant Examiner
Art Unit 2666

Seema S. Rao 5/2/05
SEEMA S. RAO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600